

2013 DRAFTING REQUEST

Bill

Received: **12/14/2012** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Wavrunek**
May Contact: Drafter: **phurley**
Subject: **Justice - criminal** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Wavrunek, BB0309 -

Topic:

Restructure Programs at the Office of Justice Assistance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	phurley 1/30/2013	evinz 1/18/2013	rschluet 1/18/2013	_____	sbasford 1/18/2013		State S&L
/P2		evinz 1/30/2013	jfrantze 1/31/2013	_____	mbarman 1/31/2013		State S&L
/P3	phurley 2/12/2013	evinz 2/7/2013	rschluet 2/7/2013	_____	sbasford 2/7/2013		State S&L
/P4	phurley	kfollett	rschluet	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/13/2013	2/13/2013	2/13/2013	_____	2/13/2013		S&L

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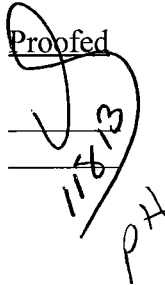
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/P1	phurley	pl eev 1/17/13	pl eev 1/18/13				

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Friday, December 14, 2012 2:43 PM
To: Hurley, Peggy
Subject: FW: Statutory Language Drafting Request - BB0309
Attachments: Drafting request 12-14-12.xlsx

We're up. This may be worth two requests. I can take it or you can. I have no preference.

From: leah.wavrunek@wisconsin.gov [mailto:leah.wavrunek@wisconsin.gov]
Sent: Friday, December 14, 2012 1:50 PM
To: Hanaman, Cathlene
Cc: Thornton, Scott - DOA; Wavrunek, Leah J - DOA; Wavrunek, Leah J - DOA
Subject: Statutory Language Drafting Request - BB0309

Biennial Budget: 2013-15

Topic: Restructure Programs at the Office of Justice Assistance

Tracking Code: BB0309

SBO Team: AEJ

SBO Analyst: Wavrunek, Leah J - DOA
Phone: (608) 267-0370
E-mail: leah.wavrunek@wisconsin.gov

Agency Acronym: DOA

Agency Number: 505

Priority: High

Intent:

Eliminate the Office of Justice Assistance and reassign programs/appropriations to other agencies. There is not a complete list at this time of all programs, but this request begins the process. The attachment lists the programs that have determined new locations.

The Executive Director position at OJA will also be eliminated.

Attachments: True

Please send completed drafts to statlanguage@wisapps.wi.gov

JIF = Justice Information Fee

20.505(6)

OJA Reorganization

Program	Alpha	Revenue Source	Stat. Reference	Moving to?
Child pornography surcharge	6(gj)	SRCHRG	16.964(11)	DOJ/DOC
Beat Patrol	6(kb)	JIF	16.964(5)	DOJ
Child advocacy centers	6(ke)	JIF	16.964(14)	DOJ
American Indian reintegration program	6(kf)	GAMING	16.964(17)	DOC
WIJIS/UCR	6(ko)	JIF	16.964(1m)(g) & (h), (2)	DOJ

WIS Justice
Info Sharing
Program

Note

Reallocate OJA's percentage between DOC and DOJ.

Hurley, Peggy

From: Wavrunek, Leah J - DOA <Leah.Wavrunek@wisconsin.gov>
Sent: Friday, January 18, 2013 7:57 AM
To: Hurley, Peggy
Subject: RE: OJA

Hi,

20.505(6)(a): Since this is a GPR appropriation, no transfer and the balance lapses to the general fund, since that is what would happen regardless of what we do to OJA.

20.505(6)(gj) and 20.455(1)(gj): should that second reference be to 410 instead of 455? And yes, I expect there would be balances and they should be moved to DOJ.

20.505(6)(n): since all funds have to be expended by Feb 2013, I do not expect any balances remaining and therefore nothing to transfer. I will double check on this, but right now I would say no transfer.

Thank you!!
leah

From: Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]
Sent: Thursday, January 17, 2013 1:23 PM
To: Wavrunek, Leah J - DOA
Subject: OJA

Hi Leah,

A few more questions on the OJA draft. First, the following appropriations are being repealed. Do you think we need to transfer the unencumbered balances?

- 20.505 (6) (a) [general program operations. Maybe transfer to 20.455 (2) (a)?]
- 20.505 (6) (gj) and 20.455 (1) (gj) [these were the accounts that were receiving parts C and A from the child pornography surcharge. Would there be any unencumbered balances in these accounts when they are repealed? If so, should their unencumbered balances be transferred to 20.455 (2) (gj)?]
- 20.505 (6) (n)? I have no idea whether there would be any unencumbered balances here and if so, where they might properly be transferred.

Also, do you want to transfer incumbent employees or just positions? I drafted to transfer incumbent employees, but if that is not your intent, please let me know.

Peggy Hurley
Legislative Reference Bureau
608 266 8906

Hurley, Peggy

From: Wavrunek, Leah J - DOA <Leah.Wavrunek@wisconsin.gov>
Sent: Monday, January 14, 2013 12:58 PM
To: Hurley, Peggy
Subject: RE: appropriations



Here goes (and this of course may change down the road):

6i: renumber to program 02, 455. DOJ does not have a gifts and grants appropriation in program 02.

8km: repeal, transfer unencumbered balances to 20.455(2)(k).

6m: repeal and transferred to (2)(m) and (5)(ma) as determined by the DOA Secretary

6p: repeal and transferred to (2)(n) and (5)(mh) as determined by the DOA Secretary

The problem here is that DOJ wants to split up some of the current OJA funding between program 02 (law enforcement services) and program 05 (Office of Crime Victim Services) so the funds coming out of one appropriation in OJA will be going in to two appropriations at DOJ.

I asked around here about encumbrances and outstanding issues with repealed appropriations. One analyst thought the transfer of assets and liabilities took care of that, but could you check with folks on your end? If that is the case, I wonder if we need the language specifying where the unencumbered balances from repealed appropriations are headed? Also, the language about being determined by the DOA Secretary was used somewhat similarly in the Commerce reorg last budget. Here is an example from the nonstat section of Act 32:

**(4) TRANSFER OF CERTAIN ADMINISTRATIVE POSITIONS
FROM THE DEPARTMENT OF COMMERCE.**

(a) The positions, and the incumbent employees holding those positions, in the division of administrative services in the department of commerce that the secretary of administration determines shall be transferred to the department of safety and professional services, are transferred on the effective date of this paragraph.

I hope this is helpful.

From: Hurley, Peggy [<mailto:Peggy.Hurley@legis.wisconsin.gov>]
Sent: Monday, January 14, 2013 10:05 AM
To: Wavrunek, Leah J - DOA
Subject: appropriations

Hi Leah,

As we discussed, I am renumbering most of the appropriations in 20.505 (6) to fall within 20.455 (2). As far as I am able, I will keep the paragraph lettering the same.

I don't know what to do with ss. 20.505 (6) (i) [this was repealed and its unencumbered balance was transferred to s. 20.455 (3) (g) in the 07-09 budget], (km) [repealed and its unencumbered balance was transferred to s. 20.410 (3) (km)], (m) [repealed and its unencumbered balance was transferred to s. 20.455 (2) (m) of the statutes], and (p) [repealed and its unencumbered balance was transferred to s. 20.455 (2) (n)]. Please let me know how you would like these appropriations to be drafted this time around. I appreciate your assistance!

Peggy Hurley
Legislative Reference Bureau
608 266 8906

Restructuring of Office of Justice Assistance				
Statutory Cite	Program/Description	Eliminate or Transfer?	Transfer to?	Comments/changes
16.964(1m)(a) and (b)	Requirements for Juvenile Justice	Transfer	DOJ, Chapter 165	Combine into one section. Remove requirement that plan be prepared on behalf of Governor. Instead, require report be submitted to Governor, in addition to Joint Committee on Finance.
16.964(1m)(c)	Recommend appropriation legislation. Cooperate/tech assistance to state agencies, etc	Eliminate		
16.964(1m)(d)		Transfer	DOJ, Chapter 165	
16.964(1m)(e)	Apply for contracts/receive grants	Transfer	DOJ, Chapter 165	Is this necessary? Unsure if DOJ already has this authority.
16.964(1m)(f)	Maintain statistical analysis center	Transfer	DOJ, Chapter 165	
16.964(1m)(g)	Collection crime information	Transfer	DOJ, Chapter 165	
16.964(1m)(h)	Furnish forms for data collection	Transfer	DOJ, Chapter 165	does it make sense to combine (f), (g) and (h) into one subsection in 165?
16.964(1m)(i)	Apply for funds/expend money for homeland security	Transfer	WEM	double checking with WEM if they want language or instead accomplish designation of the State Authorizing Agency through Executive Order
16.964(2)	Requirements for submission of crime data	Transfer	DOJ, Chapter 165	
16.964(3)	Appoint an Executive Director	Eliminate		
16.964(5)	Beat Patrol Program	Transfer	DOJ, Chapter 165	
16.964(8)	Youth diversion program	Transfer	DOJ, Chapter 165	
16.964(11)	Child Pornography Surcharge	Transfer	DOJ	Eliminate three recipients of child pornography surcharge (OJA, DOC and DOJ). Instead, deposit all funds to current DOJ appropriation and repurpose the funds to support grants under s. 165.93.
16.964(12)	Treatment Alternatives and Diversion program	Transfer	DOJ, Chapter 165	Modify 16.964(12)(j) so it only requires the department to evaluate the program every two years. Is it necessary to keep (k) since the deadline for the report was December 31, 2011?
16.964(14)	Child Advocacy Centers	Transfer	DOJ, Chapter 165	
16.964(15)	Interoperability	Transfer	DOJ, Chapter 165	
16.964(17)	American Indian Tribal Reintegration	Transfer	Department of Corrections	
16.964(18)	Sharing non-custodial law enforcement information	Eliminate		
16.9645	Interoperability Council			replace "office of justice assistance" with "department of justice"
15.107(18)(b)1.	Members of Interoperability Council	Modify		Replace executive director of OJA with Attorney General



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-0912/3
GMM:cjs:rs

DOA:.....Wavrunek, BB0202 – Youth diversion funding reductions

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

Bill to
end of
0434

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Current law requires the Office of Justice Assistance in DOA (OJA) to allocate \$500,000 in each fiscal year to enter into a contract with an organization to provide services in Milwaukee County, \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with an organization located in ward two in the city of Racine to provide services in Racine County, \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, and \$100,000 in each fiscal year to enter into a contract with a discretionary organization, for the diversion of youths from gang activities into productive activities (Youth Diversion Program). Current law also requires OJA to distribute not more than \$300,000 in each fiscal year to the organization providing services in Milwaukee County for alcohol and other drug abuse (AODA) education and treatment services for participants in that organization's program.

This bill requires OJA to reduce the allocations for the Youth Diversion Program by \$85,900 for the organization providing services in Milwaukee County, \$25,650 for each of the organizations providing services in Racine County, Kenosha County, and Brown County, and \$18,100 for the discretionary organization in each

of fiscal years 2011-12 and 2012-13. The bill also requires OJA to reduce the amount distributed to the organization providing services in Milwaukee County for AODA education and treatment services by \$18,400 in each of those fiscal years.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9101. Nonstatutory provisions; Administration.

(1) YOUTH DIVERSION GRANT REDUCTIONS.

(a) Notwithstanding the amount specified under section 16.964 (8) (a) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money allocated under section 16.964 (8) (a) of the statutes by \$85,900 in each of fiscal years ~~2011-12~~ and ~~2012-13~~.

(b) Notwithstanding the amount specified under section 16.964 (8) (b) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money distributed under section 16.964 (8) (b) of the statutes by \$18,400 in each of fiscal years ~~2011-12~~ and ~~2012-13~~.

(c) Notwithstanding the amounts specified under section 16.964 (8) (c) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money allocated for each of the 4 contracts that are funded with moneys from the appropriation accounts under section 20.505 (6) ¹⁵⁵²⁵⁶ (d) and (kj) ¹⁵⁵ of the statutes by \$25,650 in each of fiscal years 2011-12 and 2012-13 and shall reduce the amount of money allocated for the contract that is funded only with moneys from the appropriation account under section 20.505 (6) (kj) of the statutes by \$18,100 in each of fiscal years 2011-12 and 2012-13.

(END)

22505 (6) OFFICE OF JUSTICE ASSISTANCE. ^{rep} ~~APPROP.~~

(a) General program operations. The amounts in the schedule for general program operations. ✓

455(2) (em) (b) Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments. The amounts in the schedule for making grants to counties under s. ~~16.964~~ 165.95 (12) (b) and entering into contracts under s. ~~16.964~~ 165.95 (13). (2)

455(2) (cr) (d) Youth diversion. The amounts in the schedule for youth diversion services under s. ~~16.964~~ 165.987 (8) (a) and (c). (1) & (2)

^{rep} ~~calcd~~ (gj) Grants for victims of sexual assault; child pornography surcharge. All moneys received as part C of any child pornography surcharge imposed under s. 973.042 for the grant program under s. 16.964 (11). ✓

455(2) (km) (h) Public safety interoperable communication system; general usage fees. The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from users as fees under s. ~~16.964~~ 165.25 (15) (b) 2 shall be credited to this appropriation account. (17) (5) 2. ✓

455(2) (gb) (i) Gifts and grants. All moneys received from gifts and grants, other than moneys received for and credited to the appropriation accounts under pars. (k) to (p), to carry out the purposes for which made and received. ^{rep} 165.987 ✓

455(2) (ky) (k) Law enforcement programs and youth diversion - administration. The amounts in the schedule for administering grants for law enforcement assistance and for administering the youth diversion program under s. ~~16.964~~ 165.987 (8). All moneys transferred from the appropriation account under s. 20.455 (2) (i) 13. ← note to transfer this to C shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i). ✓

455(2) (ka) (ka) Public safety interoperable communication system; state fees. The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from public safety agencies that are state agencies as fees under s. ~~16.964~~ 165.25 (15) (b) 1 shall be credited to this appropriation account. (17) (2) (a) ✓

455(2) (kb) (kb) Law enforcement officer supplement grants. The amounts in the schedule to provide grants for uniformed law enforcement officers under s. ~~16.964~~ 165.986 (5). All moneys transferred from the appropriation account under sub. (1) (id) 3. shall be credited to this appropriation account. 2. ✓

455(2) (ke) (ke) Child advocacy centers. The amounts in the schedule for grants to child advocacy centers under s. ~~16.964~~ 165.96 (14). All moneys transferred from the appropriation account under sub. (1) (id) 4. shall be credited to this appropriation account. 2. ✓

DOC APPROP 410 (1) (kf) American Indian reintegration program. The amounts in the schedule for the American Indian reintegration program under s. ~~16.964~~ 165.96 (17). All moneys transferred from the appropriation account under sub. (8) (hm) 23. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm). ✓

455(2) (ki) (ki) Interoperable communications system. The amounts in the schedule to operate a statewide public

safety interoperable communication system. All moneys transferred from the appropriation account under sub. (1) (id) 2. shall be credited to this appropriation account. ?

455 (2) (kj) *Youth diversion program.* The amounts in the schedule for youth diversion services under s. 16.964 (8) (a) and (c). All moneys transferred from the appropriation account under s. 20.455 (2) (i) 8. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall be transferred to the appropriation account under s. 20.455 (2) (i). ?

(km) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department, for aids to individuals and organizations. ?

455 (2) (kn) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information fee.* The amounts in the schedule for administering and making grants to counties under s. 16.964 (12) (b). All moneys transferred from the appropriation account under sub. (1) (id) 5. shall be credited to this appropriation account. ?

455 (2) (ko) *Wisconsin Justice Information Sharing Program.* The amounts in the schedule for the development and operation of a justice information system. All moneys transferred from the appropriation account under sub. (1) (id) 5d. shall be credited to this appropriation account. ?

455 (kv) (ku) *Grants for substance abuse treatment programs for criminal offenders.* All moneys received under s. 961.41 (5) (c) 2. or 973.043 for the purpose of making grants to counties under s. 16.964 (12) (b) and entering into contracts under s. 16.964 (12) (j). ?

100 (m) *Federal aid, justice assistance, state operations.* All moneys received from the federal government for state agency operations for justice assistance to carry out the purpose for which received. ?

465 (3) (mb) *Federal aid, homeland security.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for homeland security programs. ✓

100 (n) *Federal aid; criminal justice.* All moneys received from the federal government pursuant to P.L. 111-5 for criminal justice programs to carry out the purpose for which received. ✓

100 (p) *Federal aid, local assistance and aids.* All moneys received from the federal government for project grants to improve the administration of criminal justice. ?

to do: (i) + x-ref
(km) + x-ref
(m) + x-ref
(p) + x-ref

20.455 DAL approp

(2) Law enforcement services.

(a) *General program operations.* The amounts in the schedule for general program operations, including operating the state crime laboratories, performing criminal investigations, providing law enforcement services and providing independent crime laboratory services for defendants in a felony case upon authorization by the presiding judge.

(am) *Officer training reimbursement.* A sum sufficient to make payments under s. 165.85 (5x). The amount appropriated under this paragraph may not exceed \$150,000 in any fiscal year.

(b) *Investigations and operations.* The amounts in the schedule for conducting undercover investigations and operations.

(c) *Crime laboratory equipment.* Biennially, the amounts in the schedule for the acquisition, maintenance, repair and replacement costs of the laboratory equipment in the state and regional crime laboratories.

(dg) *Weed and seed and law enforcement technology.* The amounts in the schedule to provide grants for weed and seed projects under s. 165.982 and for law enforcement technology under s. 165.983.

(dq) *Law enforcement community policing grants.* Biennially, the amounts in the schedule to provide law enforcement community policing grants under s. 165.984.
(cm)

(g) *Gaming law enforcement; racing revenues.* From all moneys received under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (cm) and (d), (3m) (c) 2. and (4), 562.09 (2) (e) and 562.124 (2), the amounts in the schedule for the performance of the department's gaming law enforcement responsibilities as specified in s. 165.70 (3m). Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation account at the end of each fiscal year shall be transferred to the lottery fund.

(gb) *Gaming law enforcement; Indian gaming.* From the moneys received under s. 569.06, the amounts in the schedule for investigative services for Indian gaming under ch. 569.

(gj) *General operations; child pornography surcharge.* All moneys received as part B of any child pornography surcharge imposed under s. 973.042 for investigating offenses under s. 948.05 or 948.12.

(gm) *Criminal history searches; fingerprint identification.* All moneys received as fee payments under s. 165.82 (1) for the provision of services under s. 165.82 (1) and the provision of an automated fingerprint identification system.

(gr) *Handgun purchaser record check.* All moneys received as fee payments under s. 175.35 (2i) to provide services under s. 175.35.

(h) *Terminal charges.* The amounts in the schedule for the transaction information for management of enforcement system. All moneys collected under s. 165.827 from law enforcement agencies for rentals, terminal fees and related charges associated with the transaction information for management of enforcement system shall be credited to this appropriation.

(i) *Penalty surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All moneys received from the penalty surcharge on court fines and forfeitures under s. 757.05 (2) shall be credited to this appropriation account. Moneys may be transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of administration for expenditures based upon determinations by the department of justice. The following amounts shall be transferred to the following appropriation accounts:

1. The amount transferred to par. (kc) shall be the amount in the schedule under par. (kc).
3. The amount transferred to par. (kp) shall be the amount in the schedule under par. (kp).
4. The amount transferred to s. 20.255 (1) (kd) shall be the amount in the schedule under s. 20.255 (1) (kd).
5. The amount transferred to s. 20.255 (2) (kd) shall be the amount in the schedule under s. 20.255 (2) (kd).
- 5m. The amount transferred to s. 20.410 (1) (kh) shall be the amount in the schedule under s. 20.410 (1) (kh).
6. The amount transferred to s. 20.410 (1) (kp) shall be the amount in the schedule under s. 20.410 (1) (kp).
8. The amount transferred to s. 20.505 (6) (kj) shall be the amount in the schedule under s. 20.505 (6) (kj).
9. The amount transferred to par. (ke) shall be of the amount in the schedule under par. (ke).
11. The amount transferred to sub. (5) (kp) shall be the amount in the schedule under sub. (5) (kp).
12. The amount transferred to s. 20.505 (1) (kq) shall be the amount in the schedule under s. 20.505 (1) (kq).
13. The amount transferred to s. 20.505 (6) (k) shall be the amount in the schedule under s. 20.505 (6) (k).
15. The amount transferred to s. 20.550 (1) (kj) shall be the amount in the schedule under s.

20.550 (1) (kj).

16. The amount transferred to s. 20.505 (6) (kc) shall be the amount in the schedule under s. 20.505 (6) (kc).

(j) *Law enforcement training fund, local assistance.* The amounts in the schedule to finance local law enforcement training as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

(ja) *Law enforcement training fund, state operations.* The amounts in the schedule to finance state operations associated with the administration of the law enforcement training fund and to finance training for state law enforcement personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

(jb) *Crime laboratory equipment and supplies.* The amounts in the schedule for the maintenance, repair, upgrading, and replacement costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade, and replace that equipment, in the state and regional crime laboratories. All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

(k) *Interagency and intra-agency assistance.* All moneys received from the department or any other state agency regarding law enforcement assistance to carry out the purposes for which received.

(kc) *Transaction information management of enforcement system.* The amounts in the schedule for payments for a lease with option to purchase regarding computers for the transaction information for the management of enforcement system. All moneys transferred from the appropriation account under par. (i) 1. shall be credited to this appropriation account.

(kd) *Drug law enforcement, crime laboratories, and genetic evidence activities.* The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance, activities of the state and regional crime laboratories, and for transferring to the appropriation account under s. 20.475 (1) (km) the amounts in the schedule under s. 20.475 (1) (km). All moneys transferred to this appropriation from the appropriation account under par. (Lm) shall be credited to this appropriation account.

(ke) *Drug enforcement intelligence operations.* The amounts in the schedule for drug enforcement tactical and strategic intelligence units. All moneys transferred from the appropriation account under s. 20.455 (2) (i) 9. shall be credited to this appropriation account.

(kg) *Interagency and intra-agency assistance; fingerprint identification.* The amounts in the schedule for the purchase of an automated fingerprint system. All moneys received from the department or any other state agency for the purchase of an automated fingerprint identification

system shall be credited to this appropriation.

(km) *Lottery background investigations.* The amounts in the schedule for the purpose of providing lottery-related background investigations. All moneys received from the department of revenue or any state agency as payments for services provided and costs incurred by the department of justice for lottery background investigations under s. 565.25 (4) shall be credited to this appropriation account.

(kp) *Drug crimes enforcement; local grants.* The amounts in the schedule for grants to local multijurisdictional groups to enforce prohibitions related to controlled substances. All moneys transferred from the appropriation account under s. 20.455 (2) (i) 3. shall be credited to this appropriation account.

(kq) *County law enforcement services.* The amounts in the schedule to provide grants to counties under s. 165.89. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(kt) *County-tribal programs, local assistance.* The amounts in the schedule for distribution to county-tribal law enforcement programs under s. 165.90. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(ku) *County-tribal programs, state operations.* The amounts in the schedule to finance the activities of the department of justice associated with county-tribal law enforcement programs under s. 165.90. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15h. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(kw) *Tribal law enforcement assistance.* The amounts in the schedule to provide grants for tribal law enforcement under s. 165.91. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 15. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

(Lm) *Crime laboratories; deoxyribonucleic acid analysis.* All moneys received from crime laboratories and drug law enforcement surcharges authorized under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s. 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for the costs of mailing and materials under s. 165.76 for the submission of biological specimens by the departments of corrections and health services and by county sheriffs, and to transfer to the appropriation

account under par. (kd) the amounts in the schedule under par. (kd).

(m) *Federal aid, state operations.* All moneys received as federal aid, as authorized by the governor under s. 16.54, for state operations.

(n) *Federal aid, local assistance.* All moneys received as federal aid, as authorized by the governor under s. 16.54, for local assistance.

(r) *Gaming law enforcement; lottery revenues.* From the lottery fund, the amounts in the schedule for the performance of the department's gaming law enforcement responsibilities as specified in s. 165.70 (3m).

repealed **16.964 Office of justice assistance.**

(1g) In this section, "office" means the office of justice assistance.

(1m) (intro.) The office shall:

(a) Serve as the state planning agency under the juvenile justice and delinquency prevention act of 1974, P.L. 93-415.

65.25 (13) **(b)** Prepare a state comprehensive juvenile justice improvement plan on behalf of the governor. The plan shall be submitted to the joint committee on finance in accordance with s. 16.54 and to the appropriate standing committees of each house of the legislature as determined by the presiding officer of each house. The plan shall be updated periodically and shall be based on an analysis of the state's juvenile justice needs and problems.

65.25 (13) rep **(c)** Recommend appropriate legislation in the criminal and juvenile justice field to the governor and the legislature.

165.25 (14) **(d)** Cooperate with and render technical assistance to state agencies and units of local government and public or private agencies relating to the criminal and juvenile justice system.

165.25 (15) **(e)** Apply for contracts or receive and expend for its purposes any appropriation or grant from the state, a political subdivision of the state, the federal government or any other source, public or private, in accordance with the statutes.

65.25 (16) **(f)** Maintain a statistical analysis center to serve as a clearing house of justice system data and information and conduct justice system research and data analysis under this section.

65.845 (1)(a) **(g)** Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as may be useful in the study of crime and the administration of justice. The office may determine any other information to be obtained regarding crime and justice system statistics. The information shall include data requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

65.845 (1)(b) **(h)** Furnish all reporting officials with forms or instructions or both that specify the nature of the information required under par. (g), the time it is to be forwarded, the method of classifying and any other matters that facilitate collection and compilation.

321.03 (1)(c) **(i)** Apply for contracts and receive and expend moneys and grants from the federal government related to homeland security.

65.845 (2) **(2)** All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the office with the information described in sub. (1m) (g) on the basis of the forms or instructions or both to be supplied by the office under sub. (1m) (g).

rep **(3)** The governor shall appoint an executive director under s. 15.105 (19) outside of the classified service.

16.984

(5)
(a) The office shall provide grants from the appropriation under s. 20.505 (6) (kb) to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. A city is eligible for a grant under this subsection in fiscal year 1994-95 if the city has a population of 25,000 or more. A city may receive a grant for a calendar year if the city applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

(b) A city applying to the office for a grant under this subsection shall include a proposed plan of expenditure of the grant moneys. The grant moneys that a city receives under this subsection may be used for salary and fringe benefits only. Except as provided in par. (c), the positions for which funding is sought must be created on or after April 21, 1994, and result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties.

(c) (intro.) During the first 6 months of the first year of a grant, a city may, with the approval of the office, use part of the grant for the payment of salary and fringe benefits for overtime provided by uniformed law enforcement officers whose primary duty is beat patrolling. A city may submit a request to the office for a 3-month extension of the use of the grant for the payment of overtime costs. To be eligible to use part of the first year's grant for overtime costs, the city shall provide the office with all of the following:

1. The reasons why uniformed law enforcement officers assigned to beat patrol duties need to work overtime.
2. The status of the hiring and training of new uniformed law enforcement officers who will have beat patrol duties.
3. Documentation that a sufficient amount of the grant for the first year will be available, during the period remaining after the payment of overtime costs, to pay the salary and fringe benefits of the same number of uniformed officers whose primary duty is beat patrolling that the grant originally planned to pay.

(d) The office shall develop criteria which, notwithstanding s. 227.10 (1), need not be promulgated as rules under ch. 227, for use in determining the amount to grant to cities under this subsection. The office may not award an annual grant in excess of \$150,000 to any city. The office shall review any application and plan submitted under par. (b) to determine if that application and plan meet the requirements of this subsection. The grant that a city receives under this subsection may not supplant existing local resources.

(e) A city may receive a grant for 3 consecutive years without submitting a new application each year. For each year that a city receives a grant, the city shall provide matching funds of at least 25% of the amount of the grant.

(f) The office may make grants to additional cities with a population of 25,000 or more after fiscal year 1994-95. Eligibility for grants under this paragraph shall be determined and allocations made as provided in this subsection.

(8)

(a) From the appropriations under s. 20.505 (6) (d) and (kj), the office shall allocate \$500,000 in each

fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs.

Notwithstanding s. 16.75, the office may enter into a contract under this paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

(b) From the appropriation under s. 20.505 (6) (km), the office may not distribute more than \$300,000 in each fiscal year to the organization that it has contracted with under par. (a) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

165.987
(c) From the appropriations under s. 20.505 (6) (d) and (kj), the office shall allocate \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with an organization that is located in ward 2 in the city of Racine to provide services in Racine County, and \$150,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, and from the appropriation under s. 20.505 (6) (kj), the department shall allocate \$100,000 in each fiscal year to enter into a contract with an organization, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization's youth diversion program. The organization that is located in ward 2 in the city of Racine shall have a recreational facility, shall offer programs to divert youths from gang activities, may not be affiliated with any national or state association, and may not have entered into a contract under s. 301.265 (3), 1995 stats.

Notwithstanding s. 16.75, the office may enter into a contract under this paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

rep
(11) From the appropriation under s. 20.505 (6) (gj), the office shall provide grants to nonprofit organizations that provide services to victims of sexual assault. The office shall develop criteria and procedures for use in selecting grantees and administering the grant program. Notwithstanding s. 227.10 (1), the criteria and procedures need not be promulgated as rules under ch. 227.

(12) (1)

(a) (intro.) In this subsection, "violent offender" means a person to whom one of the following applies:

1. The person has been charged with or convicted of an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm.

165.95
2. The person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

(b) The office shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. The office shall make the grants from the appropriations under s. 20.505 (6) (b), (kn), and (ku). The office shall collaborate with the departments of corrections and health services in establishing this grant program.

(br) Any county that receives a grant under this subsection on or after January 1, 2012, shall provide matching funds that are equal to 25 percent of the amount of the grant.

(c) (intro.) A county shall be eligible for a grant under par. (b) if all of the following apply:

1. The county's program is designed to meet the needs of a person who abuses alcohol or other drugs and who may be or has been charged with or who has been convicted of a crime in that county related to the person's use or abuse of alcohol or other drugs.
2. The program is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families by meeting the comprehensive needs of participants.
3. The program establishes eligibility criteria for a person's participation. The criteria shall specify that a violent offender is not eligible to participate in the program.
4. Services provided under the program are consistent with evidence-based practices in substance abuse and mental health treatment, as determined by the department of health services, and the program provides intensive case management.
5. The program uses graduated sanctions and incentives to promote successful substance abuse treatment.
6. The program provides holistic treatment to its participants and provides them services that may be needed, as determined under the program, to eliminate or reduce their use of alcohol or other drugs, improve their mental health, facilitate their gainful employment or enhanced education or training, provide them stable housing, facilitate family reunification, ensure payment of child support, and increase the payment of other court-ordered obligations.
7. The program is designed to integrate all mental health services provided to program participants by state and local government agencies and other organizations. The program shall require regular communication among a participant's substance abuse treatment providers, other service providers, the case manager, and any person designated under the program to monitor the person's compliance with his or her obligations under the program and any probation, extended supervision, and parole agent assigned to the participant.
8. The program provides substance abuse and mental health treatment services through providers that are certified by the department of health services.
9. The program requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and pursues and uses all possible resources available through insurance and federal, state, and local aid programs, including cash, vouchers, and direct services.
10. The program is developed with input from, and implemented in collaboration with, one or more circuit court judges, the district attorney, the state public defender, local law enforcement officials, county agencies responsible for providing social services, including services relating to alcohol and other drug addiction, child welfare, mental health, and the Wisconsin Works program, the departments of corrections, children and families, and health services, private social services agencies, and substance

165.95
cont

abuse treatment providers.

11. The county complies with other eligibility requirements established by the office to promote the objectives listed in subds. 1. and 2.

(d) In implementing a program that meets the requirements of par. (c), a county department may contract with or award grants to a religious organization under s. 59.54 (27).

(e) 1. A county that receives a grant under this subsection shall create an oversight committee to advise the county in administering and evaluating its program. Each committee shall consist of a circuit court judge, the district attorney or his or her designee, the state public defender or his or her designee, a local law enforcement official, a representative of the county, a representative of each other county agency responsible for providing social services, including services relating to child welfare, mental health, and the Wisconsin Works program, representatives of the departments of corrections, children and families, and health services, a representative from private social services agencies, a representative of substance abuse treatment providers, and other members to be determined by the county.

2. A county that receives a grant under this subsection shall comply with state audits and shall submit an annual report to the office and to the oversight committee created under subd. 1. regarding the impact of the program on jail and prison populations and its progress in attaining the goals specified in par. (c) 2. and 6.

(em) (intro.) In a program funded by a grant under this subsection, if urine collection for the purposes of a drug test results in the exposure of a program participant's genitals, pubic area, buttock, or anus, all of the following must apply:

1. The person conducting the urine collection for purposes of a drug test is of the same sex as the program participant.
2. During the urine collection, the program participant is not exposed to the view of any person not conducting the urine collection.
3. The urine collection is not reproduced through a visual or sound recording.
4. The program participant's genitals, pubic area, buttock, and anus are not subject to any physical inspection beyond observation of the urine collection.
5. All staff of the program must strive to preserve the dignity of all program participants subject to urine collection for the purpose of drug testing.

(f) Two or more counties may jointly apply for and receive a grant under this subsection. If counties submit a joint application, they shall include with their application a written agreement specifying each county department's role in developing, administering, and evaluating the program. The oversight committee established under par. (e) 1. shall consist of representatives from each county.

(g) Grants provided under this subsection shall be provided on a calendar year basis beginning on January 1, 2007. If the office decides to make a grant to a county under this subsection, the office shall

notify the county of its decision and the amount of the grant no later than September 1 of the year preceding the year for which the grant will be made.

(gm) Beginning in fiscal year 2012-13, the office shall, every 5 years, make grants under this subsection available to any county on a competitive basis. A county may apply for a grant under this paragraph regardless of whether the county has received a grant previously under this subsection.

(h) The office shall assist a county receiving a grant under this subsection in obtaining funding from other sources for its program.

(i) The office shall inform any county that is applying for a grant under this subsection whether the county meets the requirements established under par. (c), regardless of whether the county receives a grant.

(j) The office shall enter into one or more contracts with another person for the purpose of evaluating the grant program established under this subsection. The office shall fund such contracts from moneys appropriated under s. 20.505 (6) (b) and (ku) with 1 percent of the amount awarded as grants under par.

(b).

(k) By December 31, 2011, the office, in collaboration with the departments of corrections and health services, shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), regarding savings that have been generated through the implementation of the grant program. The report shall also include recommendations regarding how the grant program should be structured in the future.

(14) (intro.) Beginning in fiscal year 2011-2012, from the appropriation under s. 20.505 (6) (ke), the office shall in each fiscal year provide \$17,000 to each of the following child advocacy centers for education, training, medical advice, and quality assurance activities:

(a) Care House in Rock County.

(b) Child Protection Center in Milwaukee County.

(c) Safe Harbor in Dane County.

(d) Kenosha Child Advocacy Center in Kenosha County.

(e) Fox Valley Child Advocacy Center in Winnebago County.

(f) Stepping Stones in La Crosse County.

(g) CARE Center in Waukesha County.

(h) Child Advocacy Center of Northeastern Wisconsin in Marathon County.

(i) Chippewa County Child Advocacy Center in Chippewa County.

(j) A child advocacy center in Brown County.

(k) A child advocacy center in Racine County.

(L) A child advocacy center in Walworth County.

(m) CHAT Room in Green County.

(n) Marshfield Child Advocacy Center in Wood County.

(15)

(a) The office shall provide staff support for the interoperability council under s. 16.9645 and oversight of the development and operation of a statewide public safety interoperable communication system.

(b)

1. The office may charge a public safety agency, as defined in s. 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety interoperable communication system under par. (a).

2. The office may charge a person that is not a state agency a fee for use of the statewide public safety interoperable communication system under par. (a).

(17) AMERICAN INDIAN TRIBAL COMMUNITY REINTEGRATION PROGRAM. The office shall establish a program to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their American Indian tribal communities. Under the program, each participant shall be provided an integration plan that addresses the participant's needs and shall be provided services that are customized for the participant. The program shall encourage confidence, responsibility, and independence among participants. The office shall ensure that the program incorporates tribal practices and traditions that meet the participant's community reintegration needs.

(18)

(a) (intro.) In this subsection:

1. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) or (e).

2. "Law enforcement investigation information" means information that is collected by the office under sub. (1m) consisting of arrest reports, incident reports, and other information relating to persons suspected of committing crimes that was created by a law enforcement agency and provided to the office by that agency for the purpose of sharing with other law enforcement agencies and prosecutors.

(b) For purposes of requests for access to records under s. 19.35 (1), if the office has custody of a record containing law enforcement investigation information, the office and any other law enforcement agency with which the office shares the information contained in the record are not the legal custodians of the record as it relates to that information. For such purposes, the legal custodian of the record is the law enforcement agency that provides the law enforcement investigation information to the office. If the office or any other law enforcement agency receives a request under s. 19.35 (1) for access to information in such a record, the office or the other law enforcement agency shall deny any portion of the request that relates to law enforcement investigation information.

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m; 2001 a. 16 ss. 3349d, 3350, 3351d; 2003 a. 33 ss. 230, 1159, 1161, 1163, 1165; 2005 a. 25, 60, 433; 2007 a. 20 ss. 123 to 125g, 3126 to 3128, 9121 (6) (a); 2007 a. 79, 96; 2009 a. 28, 259; 2011 a. 29, 32.